

FORM PTO-1390 (Modified) (REV. 07-2004) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE		ATTORNEY DOCKET NUMBER <b>004255.000271 10/500155</b>	
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>10/500,155</b>	
INTERNATIONAL APPLICATION NO. <b>PCT/US03/00024</b>	INTERNATIONAL FILING DATE <b>15 JANUARY 2003</b>	PRIORITY DATE CLAIMED <b>16 JANUARY 2002</b>	
TITLE OF INVENTION <b>GLOBAL SUPPRESSORS OF P53 MUTATIONS</b>			
APPLICANT(S) FOR DO/EO/US <b>BRACHMANN, Rainer K.</b>			
<p>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.</li> <li>4. <input type="checkbox"/> The US has been elected (Article 31).</li> <li>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c) (2))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).</li> <li>11. <input type="checkbox"/> A copy of the International Preliminary Examination Report (PCT/IPEA/409).</li> <li>12. <input type="checkbox"/> A copy of the International Search Report (PCT/ISA/210).</li> </ol> <p><b>Items 13 to 23 below concern document(s) or information included:</b></p> <ol style="list-style-type: none"> <li>13. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>14. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>15. <input type="checkbox"/> A <b>FIRST</b> preliminary amendment.</li> <li>16. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</li> <li>17. <input type="checkbox"/> A substitute specification.</li> <li>18. <input type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>19. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.</li> <li>20. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li> <li>21. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).</li> <li>22. <input type="checkbox"/> Express Mail Label No.</li> <li>23. <input checked="" type="checkbox"/> Other items or information:</li> </ol> <p style="text-align: center;"><b>Response to Notification of Missing Requirements and copy of the Notification of Missing Requirements.</b></p>			

U.S. APPLICATION NO (if known, see 37 CFR 1.15)  
10/500,155INTERNATIONAL APPLICATION NO.  
PCT/US03/00024ATTORNEY'S DOCKET NUMBER  
004255.00027

24. The following fees are submitted:

**BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)) :**

<input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO .....	\$1110.00
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO .....	\$950.00
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....	\$790.00
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) .....	\$750.00
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) .....	\$100.00

**CALCULATIONS PTO USE ONLY****ENTER APPROPRIATE BASIC FEE AMOUNT =**

\$0.00

Surcharge of \$130.00 for furnishing the oath or declaration later than  20  30 months from the earliest claimed priority date (37 CFR 1.492(e)).

\$130.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	36 - 20 =	16	x \$18.00	\$288.00
Independent claims	6 - 3 =	3	x \$88.00	\$264.00
Multiple Dependent Claims (check if applicable)			<input type="checkbox"/>	\$0.00

**TOTAL OF ABOVE CALCULATIONS =**

\$682.00

 Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.

\$341.00

**SUBTOTAL =**

\$341.00

Processing fee of \$130.00 for furnishing the English translation later than  20  30 months from the earliest claimed priority date (37 CFR 1.492(f)). + \$0.00**TOTAL NATIONAL FEE =**

\$341.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable).

 \$40.00

12/01/2004 LLANDGRA 00000020 190733 10500155

**TOTAL FEES ENCLOSED =**

\$381.00

01 P-2617 65.00 DA  
02 P-2615 144.00 DA  
02 P-2614 132.00 DA

Amount to be: refunded	\$
charged	\$

- a.  A check in the amount of \_\_\_\_\_ to cover the above fees is enclosed.
- b.  Please charge my Deposit Account No. 19-0733 in the amount of \$381.00 to cover the above fees.
- c.  The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-0733
- d.  Fees are to be charged to a credit card. **WARNING: Information on this form may become public. Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Banner &amp; Witcoff, Ltd.

Customer Number: 22907



Sarah A. Kagan

NAME

32,141

REGISTRATION NUMBER

10-29-04

DATE

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Ranier K. BRACHMANN *et al.*

Int'l Application No.: PCT/US03/00024

Application No. 10/500,155

: Art Unit: TO BE ASSIGNED

Filed: July 14, 2004

: Examiner: TO BE ASSIGNED

For: *Global Suppressors of P53  
Mutations*

: Atty Docket: 004255.00027

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.  
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

U.S. Patent and Trademark Office  
220 20th Street S.  
Customer Window, Mail Stop Missing Parts  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

In response to the Notification Of Missing Requirements Under 35 U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US) dated September 3, 2004, Applicant submits herewith the following documents to complete the requirements for acceptance under 35 USC 371:

1. Fee Transmittal Sheet Form PTO-1390 (Modified) in Duplicate;
2. Copy of the Notification of Missing Requirements; and
3. Executed Declaration for Patent Application and

Serial No. 10/500,155

4. Executed Assignment with 2 Recordation cover sheets.

The Commissioner for Patents is authorized to charge our Deposit Account No. 19-0733 in the amount of \$381.00 (small entity), as follows:

\$ 65.00 Late declaration surcharge  
\$ 144.00 Additional claims over 20 fee (@ small entity rate)  
\$ 132.00 Additional Independent claims fee (@ small entity rate)  
\$ 40.00 Recordation of Assignment.

It is noted that the Notification states that a sequence listing under 37 CFR 1.21-1.825 is required in this application. However, it is not clear what portion of the application falls under the quoted rule. Amino acid sequences must be four residues or more and nucleic acids must be ten nucleotides or more. 37 CFR 1.821 (a). It appears that no such sequences are disclosed or recited in the subject application.

It is not believed that any additional fees are required. However, in the event that additional fees are necessary, then such fees are authorized to be charged to our Deposit Account No. 19-0733.

Respectfully submitted,

BANNER & WITCOFF, LTD.

By:   
Sarah A. Kagan  
Registration No. 32,141

Date: 10-29-04

Banner & Witcoff, Ltd.  
Customer Number: 22907  
SAK:sdm



# UNITED STATES PATENT AND TRADEMARK OFFICE

LMM / SAH  
Page 1 of 2

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/500,155	Rainer K Brachmann	004255.00027
INTERNATIONAL APPLICATION NO.		
PCT/US03/00024		
IA. FILING DATE		PRIORITY DATE
01/15/2003		01/16/2002

22907  
BANNER & WITCOFF  
1001 G STREET N W  
SUITE 1100  
WASHINGTON, DC 20001

RECEIVED

SEP - 7 2004

BANNER WITCOFF

CONFIRMATION NO. 5303  
371 FORMALITIES LETTER



\*OC000000013716850\*

Date Mailed: 09/03/2004

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 07/14/2004
- Copy of the International Search Report filed on 07/14/2004
- Small Entity Statement filed on 07/14/2004
- Request for Immediate Examination filed on 07/14/2004
- U.S. Basic National Fees filed on 07/14/2004

004255.00027

DOCKETED #

*new* SEP 7 2004 *AS*  
mps & Sequence  
listing due 11-3-04  
Last day: 4-3-05

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- **\$65** Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$65** for a Small Entity:

- **\$65** Late oath or declaration Surcharge.

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with

the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- This application does not contain a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c) and PCT Rule 5.2(a).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e) and PCT Rule 13ter.1(a)(ii).
- **APPLICANT MUST PROVIDE:**
  - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
  - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

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Telephone: (703) 305-6421

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/500,155	PCT/US03/00024	004255.00027

FORM PCT/DO/EO/905 (371 Formalities Notice)